

Message Text

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TAGS: PINT, SP

SUBJECT: REACTIONS OF A CORTES CENTER LEADER TO THE CORTES ACTION
ON THE PENAL CODE

REFS: MADRID 5467 MADRID 5433, MADRID 5422

1. JOSE LUIS MEILAN GIL, A CORTES CENTRIST PROCURADOR FROM GALICIA WHO WAS ONE OF THE DRAFTERS OF THE MORE LIBERAL PENAL CODE PROPOSAL THAT WAS DEFEATED, HAS PROVIDED THE FOLLOWING REACTION TO THE CORTES ACTION ON THE PENAL CODE TO AN EMBASSY OFFICER AND IN A COLUMN IN THE JULY 16 ABC.

2. THE CORTES REALLY CAME TO THE VERGE OF THE QUITE IRRATIONAL ACTION OF DEFEATED THE OVERALL PENAL CODE PROJECT OF LAW EVEN AFTER ACCEPTANCE OF THE OPTION THAT WOULD OUTLAW INTERNATIONAL TOTALITARIAN GROUPS. HAD THE TOTAL VOTE FOLLOWED THE PATTERN OF THE FIRST 50 VOTES TALLIED IN THE NOMINAL VOTING PROCEDURE, THE PROJECT OF LAW WOULD HAVE BEEN DEFEATED WITH SERIOUS RESULTS. ONE MIGHT SAY THAT THE RUPTURE THAT SOME OF THE LEFT OPPOSITION HAD BEEN CALLING FOR WOULD HAVE BEEN ACHIEVED, BUT AT THE INITIATIVE OF THE RIGHT. HOWEVER, AS SOME OF THE PROCURADORES WHO MIGHT WELL HAVE VOTED AGAINST THE PROJECT OF LAW OBSERVED THE COURSE OF THE VOTING, THEY CHANGED THEIR VOTES SO THAT THE LAW WOULD

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PASS.

3. THE NEGATIVISM IN THE CORTES WAS IN CONSIDERABLE PART DIRECTED AGAINST PRESIDENT OF THE CORTES FERNANDEZ MIRANDA AND WAS ACCENTUATED BY THE MALAISE THAT HAD BEEN CREATED BY HOW THE CHANGE OF GOVERNMENT HAD TURNED OUT. IT IS MEILAN'S VIEW THAT IF THE ARIAS GOVERNMENT HAD REMAINED, THE MORE LIBERAL PROPOSAL REFERRING TO POLITICAL GROUPS THAT HAVE OPPOSED PLURALISM THAT HE AND OTHERS HAD PROPOSED WOULD HAVE BEEN APPROVED BY THE CORTES. BUT MANY IN THE CORTES WERE UPSET AT BOTH THE CHANGE OF THE GOVERNMENT IN ITSELF AND HOW IT HAD BEEN DONE AND WERE FOCUSING THEIR ANNOYANCE OF FERNANDEZ MIRANDA AS A PRESUMED PRINCIPAL ARCHITECT OF WHAT OCCURRED AS AS A CORTES LEADER WHOSE PROCEDURAL TACTICS WERE CONSIDERED ARBITRARY. (MEILAN DID NOT SEEM SENSITIVE TO THE MILITARY ATTITUDES WITHIN THE GOVERNMENT ON THE PENAL CODE DRAFT AND THE STRENGTH OF THE STAND THAT THE MILITARY APPEARS TO HAVE TAKEN ON THIS ISSUE.)

4. NOW THERE WAS AN IMPASSE IN WHICH IT WAS VERY UNLIKELY THAT A VERY PROGRESSIVE CONSTITUTIONAL REFORM OF THE CORTES COULD BE GOTTEN THROUGH THE CORTES. THE ONLY POSSIBLE SOLUTION TO THIS IMPASSE, IN MEILAN'S VIEW, IS A MORE GENERAL LAW ON CORTES REFORM THAN HAD BEEN CONTEMPLATED PREVIOUSLY, NEGOTIATED VERY CAREFULLY WITH THE MORE MODERATE OF THE OPPOSITION ON BOTH THE RIGHT AND THE LEFT TO GAIN SUFFICIENT SUPPORT BEFORE IT IS TREATED IN THE CORTES. THEN THE GOVERNMENT WOULD MOVE TO A MUCH SIMPLER REFERENDUM POSING THE ABSOLUTELY ESSENTIAL CHANGES REQUIRED TO SET IN MOTION GENERAL ELECTIONS FOR A NEW PARLIAMENT DECREE LAWS WOULD TAKE CARE OF THE ELECTORAL LAW AND THE REGULATIONS ON THE GENERAL ELECTION. (OR THE ELECTORAL LAW MIGHT BE ISSUED BY DECREE EARLIER, PERHAPS ALSO FOLLOWING A GENERAL AUTHORIZATION LAW PASSED BY THE CORTES).

5. THIS PROCESS COULD GET THE GOVERNMENT THROUGH THE IMPASSE AND TO ELECTIONS WHICH, AFTER ALL, WAS THE ESSENTIAL OBJECTIVE. AFTER ELECTIONS, A NEW CORTES COULD TIDY UP THINGS AND MAKE THE MODIFICATIONS THAT THEN SEEMED REQUIRED.
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